

R E M A R K S

It is noted that Claims 1-17 are pending in the application and that all of the claims stand rejected as discussed more fully below.

Claims 1-16 have been amended in a manner believed to more clearly distinguish applicant's invention from the references of record and are believed to be in condition for allowance. Claim 17 has been cancelled, which cancellation is to be taken without prejudice to applicant's claim to novelty in the subject matter defined therein. New Claims 18 and 19 have been added and are also believed to be in condition for allowance.

On the merits, Claims 1-17 stand rejected under 35 U.S.C. § 102(b) on U.S. Patent No. 5,188,362 to Ashihara.

Applicant's claims have been amended to call for the claimed leverage end cap as having a unitary body having an enlarged knob end, and having an opposite end adapted for attaching the end cap to the proximal end of a baton in generally axial alignment therewith. The leverage end cap is further defined as having a reduced diameter tapered neck portion intermediate the knob end and opposite attaching end and sized to receive the little finger of a user's hand in generally wrapped relation during use such that the baton can be firmly held adjacent the proximal end of the baton with a steadfast grip.

The Ashihara reference, on the other hand, discloses a baton having a crosshandle and hand guard that serve an entirely different function and purpose than the leverage end cap defined in applicant's amended claims. The Ashihara crosshandle is not axially aligned with the baton main body and does not comprise a unitary end cap. The Ashihara crosshandle members 7 and 8 purposely rotate on shank 6 to enable rotation of the baton main body 1 about the axis of shank 6. The multiple member Ashihara crosshandle provides significantly less grip stability

than applicant's claimed unitary leverage end cap. Because the Ashihara reference does not teach applicant's claimed structure, it must fail as an anticipatory reference.

In view of the foregoing, applicant's Claims 1-16, 18 and 19, as now presented, are believed to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

WELSH & KATZ, LTD.

By 

Richard L. Wood
Registration No. 22,839

Dated: February 22, 2005
WELSH & KATZ, LTD.
120 South Riverside Plaza - 22nd Floor
Chicago, IL 60606
Phone: (312) 655-1500
Fax: (312) 655-1501